

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

*Excluded  
in count  
3/23/13*  
UNITED STATES OF AMERICA,

Plaintiff,

v.

ALEXIS CANDELARIO-SANTANA (1),

Defendant.

Criminal No. 09-427 (JAF)



**SPECIAL VERDICT FORM**

**I. AGE OF DEFENDANT**

Instructions: Answer "YES" or "NO"

1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that:

Alexis Candelario Santana was eighteen years (18) of age or older at the time of the offenses charged under Counts Two through Nine, and Eleven through Eighteen of the Third Superseding Indictment (October 17, 2009).

YES ☒

NO ☐

Instructions: If you answered "NO" with respect to the determination in this section, then stop your deliberations, cross out Sections II, III, IV, V and VI of this form, and proceed to Section VII. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to the determination in this Section I, proceed to Section II which follows.

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**II. THRESHOLD INTENT FACTORS**

Instructions: For each of the following, answer "YES" or "NO."

1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Alexis Candelario Santana intentionally participated in an act, contemplating that the life of a person would be taken and/or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and that the following victims died as a result of the act:

**A. Tina Marie Rodríguez-Otero**

Count Nine: YES ✓ Count Eighteen: YES ✓  
 NO \_\_\_\_\_ NO \_\_\_\_\_

**B. Joan Manuel Class-Guzmán**

Count Two: YES ✓ Count Eleven: YES ✓  
 NO \_\_\_\_\_ NO \_\_\_\_\_

**C. Pedro Semprít-Santana**

Count Three: YES ✓ Count Twelve: YES ✓  
 NO \_\_\_\_\_ NO \_\_\_\_\_

**D. José Angel Hernández-Martínez**

Count Four: YES ✓ Count Thirteen: YES ✓  
 NO \_\_\_\_\_ NO \_\_\_\_\_

**E. John Henry García-Martínez**

Count Five: YES ✓ Count Fourteen: YES ✓  
 NO \_\_\_\_\_ NO \_\_\_\_\_

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**F. Samuel Ruiz-Martínez**

Count Seven: YES ✓  
NO \_\_\_\_\_

Count Sixteen: YES ✓  
NO \_\_\_\_\_

**G. Rafael Angel Ramos-Rivera**

Count Eight: YES ✓  
NO \_\_\_\_\_

Count Seventeen: YES ✓  
NO \_\_\_\_\_

**H. Elisa del Carmen Ocasio**

Count Six: YES ✓  
NO \_\_\_\_\_

Count Fifteen: YES ✓  
NO \_\_\_\_\_

2. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Alexis Candelario Santana intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the following victims died as a direct result of the act?

**A. Tina Marie Rodríguez-Otero**

Count Nine: YES ✓  
NO \_\_\_\_\_

Count Eighteen: YES ✓  
NO \_\_\_\_\_

**B. Joan Manuel Class-Guzmán**

Count Two: YES ✓  
NO \_\_\_\_\_

Count Eleven: YES ✓  
NO \_\_\_\_\_

**C. Pedro Sempritt-Santana**

Count Three: YES ✓  
NO \_\_\_\_\_

Count Twelve: YES ✓  
NO \_\_\_\_\_

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**D. José Angel Hernández-Martínez**

**Count Four:** YES ✓ **Count Thirteen:** YES ✓  
 NO \_\_\_\_\_ NO \_\_\_\_\_

**E. John Henry García-Martínez**

**Count Five:** YES ✓ **Count Fourteen:** YES ✓  
 NO \_\_\_\_\_ NO \_\_\_\_\_

**F. Samuel Ruiz-Martínez**

**Count Seven:** YES ✓ **Count Sixteen:** YES ✓  
 NO \_\_\_\_\_ NO \_\_\_\_\_

**G. Rafael Angel Ramos-Rivera**

**Count Eight:** YES ✓ **Count Seventeen:** YES ✓  
 NO \_\_\_\_\_ NO \_\_\_\_\_

**H. Elisa del Carmen Ocasio**

**Count Six:** YES ✓ **Count Fifteen:** YES ✓  
 NO \_\_\_\_\_ NO \_\_\_\_\_

Instructions: If you answered "NO" with respect to all of the determinations in this section, then stop your deliberations, cross out Sections III, IV, V and VI of this form, and proceed to Section VII. Each juror should carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.



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**III. STATUTORY AGGRAVATING FACTORS**

Instructions: Answer "YES" or "NO"

1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Alexis Candelario Santana was previously convicted of a State offense punishable by a term of imprisonment of more than 1 year, involving the use of attempted or threatened use of a firearm (as defined in Section 921) against another person?

YES ✓

NO \_\_\_\_\_

2. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Alexis Candelario Santana was previously convicted of two or more State offenses, punishable by a term of imprisonment of more than 1 year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person?

YES ✓

NO \_\_\_\_\_

3. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Alexis Candelario Santana, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to one or more persons, in addition to the victims of the offense?

YES ✓

NO \_\_\_\_\_

4. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Alexis Candelario Santana committed the offense as consideration for the receipt of, or in the expectation of the receipt, of anything of pecuniary value?

YES ✓

NO \_\_\_\_\_

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5. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Alexis Candelario Santana committed the offense after substantial planning and premeditation to cause the death of the following victims:

**A. Tina Marie Rodríguez-Otero**

<b>Count Nine:</b>	YES <input checked="" type="checkbox"/>	<b>Count Eighteen:</b>	YES <input checked="" type="checkbox"/>
	NO <input type="checkbox"/>		NO <input type="checkbox"/>

**B. Joan Manuel Class-Guzmán**

<b>Count Two:</b>	YES <input checked="" type="checkbox"/>	<b>Count Eleven:</b>	YES <input checked="" type="checkbox"/>
	NO <input type="checkbox"/>		NO <input type="checkbox"/>

**C. Pedro Semprít-Santana**

<b>Count Three:</b>	YES <input checked="" type="checkbox"/>	<b>Count Twelve:</b>	YES <input checked="" type="checkbox"/>
	NO <input type="checkbox"/>		NO <input type="checkbox"/>

**D. José Angel Hernández-Martínez**

<b>Count Four:</b>	YES <input checked="" type="checkbox"/>	<b>Count Thirteen:</b>	YES <input checked="" type="checkbox"/>
	NO <input type="checkbox"/>		NO <input type="checkbox"/>

**E. John Henry García-Martínez**

<b>Count Five:</b>	YES <input checked="" type="checkbox"/>	<b>Count Fourteen:</b>	YES <input checked="" type="checkbox"/>
	NO <input type="checkbox"/>		NO <input type="checkbox"/>

**F. Samuel Ruiz-Martínez**

<b>Count Seven:</b>	YES <input checked="" type="checkbox"/>	<b>Count Sixteen:</b>	YES <input checked="" type="checkbox"/>
	NO <input type="checkbox"/>		NO <input type="checkbox"/>

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**G. Rafael Angel Ramos-Rivera**

**Count Eight:** YES ✓ **Count Seventeen:** YES ✓  
 NO \_\_\_\_\_ NO \_\_\_\_\_

**H. Elisa del Carmen Ocasio**

**Count Six:** YES ✓ **Count Fifteen:** YES ✓  
 NO \_\_\_\_\_ NO \_\_\_\_\_

6. ~~1.~~ Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Alexis Candelario-Santana, intentionally killed or attempted to kill more than one person in a single criminal episode?

YES ✓  
 NO \_\_\_\_\_

Instructions: If you answered "NO" with respect to all the Statutory Aggravating Factors in this Section III, then stop your deliberations, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "Yes" in Section I, and "Yes" in Section II, and answered "Yes" with respect to one or more of the aggravating factors in this Section III, proceed to Section IV which follows.

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**IV. NON-STATUTORY AGGRAVATING FACTORS**

Instructions: For each of the following, answer "YES" or "NO"

1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Alexis Candelario Santana has participated in a continuous pattern of violent criminal conduct involving the infliction of serious bodily injury or death upon others, including but not limited to, the crimes alleged against the defendant in the Third Superseding Indictment?

YES ☒NO ☐

2. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Alexis Candelario Santana committed the offense in the course of engaging in a continuing criminal enterprise?

YES ☐NO ☒

3. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Alexis Candelario Santana poses a continuing danger to others in that he is likely to commit criminal acts of violence in the future that would constitute a continuing and serious threat to the lives and safety of others, based on a continuing pattern of violence, and a low rehabilitative potential?

YES ☒NO ☐

4. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Alexis Candelario Santana caused injury, harm, and loss to the families of:

**A. Tina Marie Rodríguez-Otero**YES ☒NO ☐

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**B. Joan Manuel Class-Guzmán**

YES ☒

NO ☐

**C. Pedro Sempritt-Santana**

YES ☒

NO ☐

**D. John Henry García Martínez**

YES ☒

NO ☐

**E. Samuel Ruiz-Martínez**

YES ☒

NO ☐

**F. Rafael Angel Ramos-Rivera**

YES ☒

NO ☐

**G. Elisa del Carmen Ocasio**

YES ☒

NO ☐

Instructions: Regardless of whether you answered “YES” or “NO” with respect to any of the four Non-Statutory Aggravating Factors in this Section IV, proceed to Section V, which follows.



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**V. MITIGATING FACTORS**

Instructions: For each of the following mitigating factors, you have the option to indicate, in the space provided, the number of jurors who have found the existence of that mitigating factor to be proven by a preponderance of the evidence.

A finding with respect to a mitigating factor may be made by one or more of the members of the jury, and any one member of the jury who finds the existence of a mitigating factor may consider such a factor established in considering whether or not a sentence of death shall be imposed, regardless of the number of other jurors who agree that the factor has been established. Further, any juror may also weigh a mitigating factor found by another juror, even if he or she did not initially find that factor to be mitigating:

1. David Oquendo Rivas will not face the death penalty for his role in the murders at La Tómbola.

Number of Jurors who so find 4

2. Braulio Ortiz Rodriguez( Menor),who did not participate in La Tómbola murders, was not charged along with Alexis Candelario Santana in Count 1, as a member of the racketeering enterprise. (Count 1 is not death penalty eligible.)

Number of Jurors who so find 0

3. The Defendant grew up under circumstances of extreme poverty.

Number of Jurors who so find 4

4. The Defendant grew up without a father.

Number of Jurors who so find 2

5. The Defendant grew up without positive male role models.

Number of Jurors who so find 11

6. The Defendant's mother, while she tried her best, was overwhelmed by her circumstances.

Number of Jurors who so find 9

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7. The Defendant dropped out of school in the 6<sup>th</sup> grade in order to go to work and earn money for his family.

Number of Jurors who so find 6

8. The environment in which the Defendant grew up was one of violence, death, narcotics trafficking, and other forms of illegal activity.

Number of Jurors who so find 12

9. As a child growing up in Sabana Seca, the Defendant experienced the violent deaths of many people.

Number of Jurors who so find 6

10. The Defendant has made a satisfactory adjustment to incarceration in the past and is likely to do so in the future.

Number of Jurors who so find 0

11. Defendant Alexis Candelario-Santana is a human being whose life has value.

Number of Jurors who so find 12

12. Lifetime imprisonment is a severe punishment.

Number of Jurors who so find 12

13. If one or more jurors find additional mitigating factors, in other words, any aspect of the defendant's character, background, or record, or any circumstance of the offenses, or any other relevant fact or circumstance which might indicate that the defendant should be sentenced to life imprisonment without the possibility of release, additional space is provided so that these may be written in.

<u>Mitigating Factor</u>	<u>Number of Jurors who so find</u>
1) Wilfredo Sampritt-Santana (Rato) fired shots at La Tabacalera and testified to his participation on the racketeering enterprise; and is not currently facing any charges.	6
2) The system failed Mr. Candelario-Santana after his previous convictions in 2003 by: - not applying appropriate punishment.	6

- not adequately managing his incarceration.
- applying rehabilitation programs 'just to get it out of the way'.
- and not properly following up to him during probation process.

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<u>Mitigating Factor</u>	<u>Number of Jurors who so find</u>
3)	
4)	
5)	
6)	
7)	
8)	
9)	
10)	
11)	
12)	

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**VI. DETERMINATION****A. Joan Manuel Class-Guzmán (Counts Two and Eleven)**

**Count Two:** As to Count Two, based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or whether the mitigating factors outweigh the aggravating factors, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, and whether death or life in prison without the possibility of release is the appropriate sentence in this case we determine as follows:

**1. Death Sentence**

We determine, by unanimous vote, that a sentence of death shall be imposed.

YES \_\_\_\_\_

NO  \_\_\_\_\_**2. Sentence of Life in Prison Without Possibility of Release**

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed.

YES \_\_\_\_\_

NO  \_\_\_\_\_**3. Unable to Come to Unanimous Decision**

After due deliberation, we are unable to come to unanimous agreement on the issues of punishment. We understand that the Court will impose a sentence of life imprisonment without the possibility of release.

YES  \_\_\_\_\_

NO \_\_\_\_\_

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**Count Eleven:** As to Count Eleven, based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or whether the mitigating factors outweigh the aggravating factors, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, and whether death or life in prison without the possibility of release is the appropriate sentence in this case we determine as follows:

**1. Death Sentence**

We determine, by unanimous vote, that a sentence of death shall be imposed.

YES \_\_\_\_\_

NO  \_\_\_\_\_

**2. Sentence of Life in Prison Without Possibility of Release**

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed.

YES \_\_\_\_\_

NO  \_\_\_\_\_

**3. Unable to Come to Unanimous Decision**

After due deliberation, we are unable to come to unanimous agreement on the issues of punishment. We understand that the Court will impose a sentence of life imprisonment without the possibility of release.

YES  \_\_\_\_\_

NO \_\_\_\_\_



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**B. Pedro Sempit-Santana (Counts Three and Twelve)**

**Count Three:** As to Count Three, based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or whether the mitigating factors outweigh the aggravating factors, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, and whether death or life in prison without the possibility of release is the appropriate sentence in this case we determine as follows:

**1. Death Sentence**

We determine, by unanimous vote, that a sentence of death shall be imposed.

YES \_\_\_\_\_

NO  \_\_\_\_\_**2. Sentence of Life in Prison Without Possibility of Release**

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed.

YES \_\_\_\_\_

NO  \_\_\_\_\_**3. Unable to Come to Unanimous Decision**

After due deliberation, we are unable to come to unanimous agreement on the issues of punishment. We understand that the Court will impose a sentence of life imprisonment without the possibility of release.

YES  \_\_\_\_\_

NO \_\_\_\_\_

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**Count Twelve:** As to Count Twelve, based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or whether the mitigating factors outweigh the aggravating factors, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, and whether death or life in prison without the possibility of release is the appropriate sentence in this case we determine as follows:

**1. Death Sentence**

We determine, by unanimous vote, that a sentence of death shall be imposed.

YES \_\_\_\_\_

NO  \_\_\_\_\_

**2. Sentence of Life in Prison Without Possibility of Release**

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed.

YES \_\_\_\_\_

NO  \_\_\_\_\_

**3. Unable to Come to Unanimous Decision**

After due deliberation, we are unable to come to unanimous agreement on the issues of punishment. We understand that the Court will impose a sentence of life imprisonment without the possibility of release.

YES  \_\_\_\_\_

NO \_\_\_\_\_

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**C. José Angel Hernández-Martínez (Counts Four and Thirteen)**

**Count Four:** As to Count Four, based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or whether the mitigating factors outweigh the aggravating factors, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, and whether death or life in prison without the possibility of release is the appropriate sentence in this case we determine as follows:

**1. Death Sentence**

We determine, by unanimous vote, that a sentence of death shall be imposed.

YES \_\_\_\_\_

NO  \_\_\_\_\_**2. Sentence of Life in Prison Without Possibility of Release**

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed.

YES \_\_\_\_\_

NO  \_\_\_\_\_**3. Unable to Come to Unanimous Decision**

After due deliberation, we are unable to come to unanimous agreement on the issues of punishment. We understand that the Court will impose a sentence of life imprisonment without the possibility of release.

YES  \_\_\_\_\_

NO \_\_\_\_\_

**Count Thirteen:** As to Count Thirteen, based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or whether the mitigating factors outweigh the aggravating

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factors, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, and whether death or life in prison without the possibility of release is the appropriate sentence in this case:

**1. Death Sentence**

We determine, by unanimous vote, that a sentence of death shall be imposed.

YES \_\_\_\_\_

NO ☒ \_\_\_\_\_

**2. Sentence of Life in Prison Without Possibility of Release**

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed.

YES \_\_\_\_\_

NO ☒ \_\_\_\_\_

**3. Unable to Come to Unanimous Decision**

After due deliberation, we are unable to come to unanimous agreement on the issues of punishment. We understand that the Court will impose a sentence of life imprisonment without the possibility of release.

YES ☒ \_\_\_\_\_

NO \_\_\_\_\_



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**D. John Henry García-Martínez (Counts Five and Fourteen)**

**Count Five:** As to Count Five, based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or whether the mitigating factors outweigh the aggravating factors, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, and whether death or life in prison without the possibility of release is the appropriate sentence in this case we determine as follows:

**1. Death Sentence**

We determine, by unanimous vote, that a sentence of death shall be imposed.

YES \_\_\_\_\_

NO ✓**2. Sentence of Life in Prison Without Possibility of Release**

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed.

YES \_\_\_\_\_

NO ✓**3. Unable to Come to Unanimous Decision**

After due deliberation, we are unable to come to unanimous agreement on the issues of punishment. We understand that the Court will impose a sentence of life imprisonment without the possibility of release.

YES ✓

NO \_\_\_\_\_

**Count Fourteen:** As to Count Fourteen, based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or whether the mitigating factors outweigh the aggravating factors, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, and whether death or life in prison without the possibility of release is the appropriate sentence in this case we



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determine as follows:

**1. Death Sentence**

We determine, by unanimous vote, that a sentence of death shall be imposed.

YES \_\_\_\_\_  
NO ✓ \_\_\_\_\_

**2. Sentence of Life in Prison Without Possibility of Release**

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed.

YES \_\_\_\_\_  
NO ✓ \_\_\_\_\_

**3. Unable to Come to Unanimous Decision**

After due deliberation, we are unable to come to unanimous agreement on the issues of punishment. We understand that the Court will impose a sentence of life imprisonment without the possibility of release.

YES ✓ \_\_\_\_\_  
NO \_\_\_\_\_

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**E. Elisa del Carmen Ocasio (Counts Six and Fifteen)**

**Count Six:** As to Count Six, based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or whether the mitigating factors outweigh the aggravating factors, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, and whether death or life in prison without the possibility of release is the appropriate sentence in this case we determine as follows:

**1. Death Sentence**

We determine, by unanimous vote, that a sentence of death shall be imposed.

YES \_\_\_\_\_

NO ☒ \_\_\_\_\_**2. Sentence of Life in Prison Without Possibility of Release**

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed.

YES \_\_\_\_\_

NO ☒ \_\_\_\_\_**3. Unable to Come to Unanimous Decision**

After due deliberation, we are unable to come to unanimous agreement on the issues of punishment. We understand that the Court will impose a sentence of life imprisonment without the possibility of release.

YES ☒ \_\_\_\_\_

NO \_\_\_\_\_

**Count Fifteen:** As to Count Fifteen, based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or whether the mitigating factors outweigh the aggravating factors, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, and whether death or life in prison without the possibility of release is the appropriate sentence in this case we determine as follows:

**1. Death Sentence**

We determine, by unanimous vote, that a sentence of death shall be imposed.

YES \_\_\_\_\_

NO  \_\_\_\_\_

**2. Sentence of Life in Prison Without Possibility of Release**

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed.

YES \_\_\_\_\_

NO  \_\_\_\_\_

**3. Unable to Come to Unanimous Decision**

After due deliberation, we are unable to come to unanimous agreement on the issues of punishment. We understand that the Court will impose a sentence of life imprisonment without the possibility of release.

YES  \_\_\_\_\_

NO \_\_\_\_\_

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**F. Samuel Ruiz-Martínez (Counts Seven and Sixteen)**

**Count Seven:** As to Count Seven, based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or whether the mitigating factors outweigh the aggravating factors, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, and whether death or life in prison without the possibility of release is the appropriate sentence in this case we determine as follows:

**1. Death Sentence**

We determine, by unanimous vote, that a sentence of death shall be imposed.

YES \_\_\_\_\_

NO  \_\_\_\_\_**2. Sentence of Life in Prison Without Possibility of Release**

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed.

YES \_\_\_\_\_

NO  \_\_\_\_\_**3. Unable to Come to Unanimous Decision**

After due deliberation, we are unable to come to unanimous agreement on the issues of punishment. We understand that the Court will impose a sentence of life imprisonment without the possibility of release.

YES  \_\_\_\_\_

NO \_\_\_\_\_

**Count Sixteen:** As to Count Sixteen, based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or whether the mitigating factors outweigh the aggravating

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factors, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, and whether death or life in prison without the possibility of release is the appropriate sentence in this case we determine as follows:

**1. Death Sentence**

We determine, by unanimous vote, that a sentence of death shall be imposed.

YES \_\_\_\_\_

NO ☒ \_\_\_\_\_

**2. Sentence of Life in Prison Without Possibility of Release**

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed.

YES \_\_\_\_\_

NO ☒ \_\_\_\_\_

**3. Unable to Come to Unanimous Decision**

After due deliberation, we are unable to come to unanimous agreement on the issues of punishment. We understand that the Court will impose a sentence of life imprisonment without the possibility of release.

YES ☒ \_\_\_\_\_

NO \_\_\_\_\_



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**G. Rafael Angel Ramos-Rivera (Counts Eight and Seventeen)**

**Count Eight:** As to Count Eight, based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or whether the mitigating factors outweigh the aggravating factors, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, and whether death or life in prison without the possibility of release is the appropriate sentence in this case we determine as follows:

**1. Death Sentence**

We determine, by unanimous vote, that a sentence of death shall be imposed.

YES \_\_\_\_\_

NO ☒ \_\_\_\_\_**2. Sentence of Life in Prison Without Possibility of Release**

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed.

YES \_\_\_\_\_

NO ☒ \_\_\_\_\_**3. Unable to Come to Unanimous Decision**

After due deliberation, we are unable to come to unanimous agreement on the issues of punishment. We understand that the Court will impose a sentence of life imprisonment without the possibility of release.

YES ☒ \_\_\_\_\_

NO \_\_\_\_\_

**Count Seventeen:** As to Count Seventeen, based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or whether the mitigating factors outweigh the aggravating factors, or in the absence of any mitigating

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factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, and whether death or life in prison without the possibility of release is the appropriate sentence in this case we determine as follows:

**1. Death Sentence**

We determine, by unanimous vote, that a sentence of death shall be imposed.

YES \_\_\_\_\_

NO ✓

**2. Sentence of Life in Prison Without Possibility of Release**

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed.

YES \_\_\_\_\_

NO ✓

**3. Unable to Come to Unanimous Decision**

After due deliberation, we are unable to come to unanimous agreement on the issues of punishment. We understand that the Court will impose a sentence of life imprisonment without the possibility of release.

YES ✓

NO \_\_\_\_\_

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**H. Tina Marie Rodríguez-Otero (Counts Nine and Eighteen)**

**Count Nine:** As to Count Nine, based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or whether the mitigating factors outweigh the aggravating factors, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, and whether death or life in prison without the possibility of release is the appropriate sentence in this case we determine as follows:

**1. Death Sentence**

We determine, by unanimous vote, that a sentence of death shall be imposed.

YES \_\_\_\_\_

NO  \_\_\_\_\_**2. Sentence of Life in Prison Without Possibility of Release**

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed.

YES \_\_\_\_\_

NO  \_\_\_\_\_**3. Unable to Come to Unanimous Decision**

After due deliberation, we are unable to come to unanimous agreement on the issues of punishment. We understand that the Court will impose a sentence of life imprisonment without the possibility of release.

YES  \_\_\_\_\_

NO \_\_\_\_\_

**Count Eighteen:** As to Count Eighteen, based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or whether the mitigating factors outweigh the aggravating

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factors, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, and whether death or life in prison without the possibility of release is the appropriate sentence in this case we determine as follows:

**1. Death Sentence**

We determine, by unanimous vote, that a sentence of death shall be imposed.

YES \_\_\_\_\_

NO  \_\_\_\_\_

**2. Sentence of Life in Prison Without Possibility of Release**

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed.

YES \_\_\_\_\_

NO  \_\_\_\_\_

**3. Unable to Come to Unanimous Decision**

After due deliberation, we are unable to come to unanimous agreement on the issues of punishment. We understand that the Court will impose a sentence of life imprisonment without the possibility of release.

YES  \_\_\_\_\_

NO \_\_\_\_\_

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**VII. CERTIFICATION**

By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the Defendant, Alexis Candelario-Santana, or the victims, Tina Marie Rodríguez-Otero, Joan Manuel Class-Guzmán, Pedro Sempritt-Santana, José Angel Hernández-Martínez, John Henry García-Martínez, Samuel Ruiz-Martínez, Rafael Angel Ramos-Rivera, and Elisa del Carmen Ocasio, was not involved in reaching his or her individual decision, and that the individual juror would have made the same recommendation regarding a sentence for the crime or crimes in question regardless of the race, color, or religious beliefs of the defendant or the victim.

Remember that you are to sign using your juror number, in your own handwriting, in lieu of your signature.

<u>JUROR #2</u>	<u>Juror #6</u>
<u>Juror #4</u>	<u>Juror #3</u>
<u>Juror #8</u>	<u>Juror #11</u>
<u>Juror #1</u>	<u>Juror #10</u>
<u>Juror #5</u>	<u>Juror #7</u>
<u>Juror #9</u>	

Juror #12  
Foreperson

Date: 3/23/2013